

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:17-23933-CIV-O'SULLIVAN
[CONSENT]

JONES REAL ESTATE, INC.,

Plaintiff,

v.

AVATEL TECHNOLOGIES, INC.,
THE CIT GROUP INC. and
CIT BANK, N.A.,

Defendants.

ORDER

THIS MATTER is before the Court on Defendant Assurant, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and Joinder in Defendant American Bankers Insurance Company of Florida's Motion to Dismiss Counts III and V of the Class Action Complaint (DE# 19, 11/27/17), Defendant American Bankers Insurance Company of Florida's Motion to Dismiss Counts III and V of the Class Action Complaint (DE# 20, 11/27/17), Defendant CIT Group Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and to Dismiss Counts I, II, III and IV and Incorporated Memorandum of Law (DE# 36, 12/4/17), Defendant American Bankers Insurance Company of Florida's Motion to Transfer Venue and Joinder in Defendant CIT Group Inc.'s Motion to Transfer Venue (DE# 38, 12/4/17) and Defendant Avatel Technologies' Motion to Dismiss and Incorporated Memorandum of Law (DE# 39, 12/6/17). Having reviewed the applicable filings and the law, it is

ORDERED AND ADJUDGED that Defendant CIT Group Inc.'s Motion to Dismiss

for Lack of Personal Jurisdiction and to Dismiss Counts I, II, III and IV and Incorporated Memorandum of Law (DE# 36, 12/4/17) and Defendant Avatel Technologies' Motion to Dismiss and Incorporated Memorandum of Law (DE# 39, 12/6/17) are **DENIED as moot**. On December 29, 2017, the plaintiff filed an amended complaint. See Plaintiff's First Amended Class Action Complaint (DE# 47, 12/29/17). It is further

ORDERED AND ADJUDGED that Defendant Assurant, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and Joinder in Defendant American Bankers Insurance Company of Florida's Motion to Dismiss Counts III and V of the Class Action Complaint (DE# 19, 11/27/17), Defendant American Bankers Insurance Company of Florida's Motion to Dismiss Counts III and V of the Class Action Complaint (DE# 20, 11/27/17) and Defendant American Bankers Insurance Company of Florida's Motion to Transfer Venue and Joinder in Defendant CIT Group Inc.'s Motion to Transfer Venue (DE# 38, 12/4/17) are **DENIED**. Defendants Assurant, Inc. and American Bankers Insurance Company of Florida are no longer parties to this case. See Plaintiff's First Amended Class Action Complaint (DE# 47, 12/29/17).

DONE AND ORDERED in Chambers at Miami, Florida this 10th day of January, 2018.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies to:
All counsel of record